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Foremost Insurance Company

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

DANA MEIER,

Plaintiff,

v.

FOREMOST INSURANCE COMPANY  
GRAND RAPIDS, MICHIGAN,

Defendant.

Civil No.

NOTICE OF REMOVAL

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TO: The Clerk of the Court, United States District Court for the District of Oregon

Pursuant to 28 USC §1441 and 1446, Defendant Foremost Insurance Company Grand Rapids, Michigan ("Foremost") removes this action from the Circuit Court of the State of Oregon, for the County of Multnomah, to the United States District Court for the District of Oregon in Portland, Oregon.

1. On or about January 25, 2018, Foremost was served with an Amended Complaint for Case No. 17CV52579, filed in the Circuit Court of the State of Oregon, for the County of Multnomah, which for the first time raised Plaintiff's prayer, with prejudgment interest and attorney fees, to more than \$75,000. Copies of the Summons, original Complaint, and Amended Complaint are attached hereto as Exhibits 1, 2, and 3 respectively, and constitute all process, pleadings, and orders served on defendant in that action up to the present date.
  2. Pursuant to 28 USC § 1441(a), a party may remove an action filed in the state court to the United States District Court if the district court has original jurisdiction over the action. This action is one over which the court has original jurisdiction under 28 USC § 1332(a)(1) because:
    - (1) The amount in controversy exceeds \$75,000; and
    - (2) Plaintiff and Defendant are citizens of different states and Defendant is not a citizen of the state in which the action was brought.
- Defendant Foremost Insurance Company Grand Rapids, Michigan, is organized and incorporated under the laws of the state of Michigan with its principal place of business in Michigan.
3. The amount in controversy in this action exceeds \$75,000 in that Plaintiff seeks, among other things, \$70,000 in contractual damages and prejudgment interest at the legal rate of 9% from January 3, 2017 to the present (which calculation exceeds \$6,000), plus attorney fees.
  5. Removal is timely in that the original Complaint was served on December 6, 2017, Foremost has not yet filed its Answer, and fewer than 30 days

have elapsed since a copy of the Amended Complaint was first provided to Foremost 28 USC § 1446(b), which raised the amount in controversy to more than \$75,000.

6. This notice is filed pursuant to Fed.R.Civ.P. 11.

WHEREFORE, Foremost removes this action from the Circuit Court for the State of Oregon, for the County of Multnomah to the Portland Division of the United States District Court, for the District of Oregon.

DATED: February 13, 2018

MALONEY LAUERSDORF REINER, PC

By /s/ Francis J. Maloney

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